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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,297	12/17/2001	Sharadha Vijay	CDR-01-004 (977-020)	7602
25537	7590	01/10/2006	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			ENG, DAVID Y	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,297	Applicant(s) VIJAY, SHARADHA	
	Examiner DAVID Y. ENG	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) 45-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>See Office action</u> | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2155

Claims 1-85 are pending and restricted. In the October 26, 2005 communication, Applicants elected Group I, claims 1-44 and 85 for examination. Claims 45-84 are therefore withdrawn from consideration. The active claims are 1-44 and 85.

In the communication Applicants did not contend that the claims are not restrictable. However, Applicants contended the Examiner did not give enough examples that they are separately usable. As set forth in the last Office action, Applicants four inventions are a method for capturing call event data in a telecommunications network, an interface for generating a file in XML, a communications network for establishing a communications session and a data structure formatted as an XML. As can be seen each of the inventions do not require the other for operation. The evidence is in Applicants' claims. For example, Capture call events does not require a XML interface (evidence claim 85). Another example, establishing session does not require XML interface or XML data structure or capture call events. Each of the inventions can be used independently to facilitate any other business transactions and communication. Applicant's argument is not found persuasive. The requirement is still deemed proper and is therefore made FINAL.

Formal drawings are requested.

IDS PTO Form 1449 filed on 8/13/2002, 8/20/2002, 3/12/2003, 6/25/2004, 1/11/2005, 7/21/2005 and 1/4/2006 are attached herewith.

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26-44 and 85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The phrase "a computer readable medium" may include carrier wave and therefore is not statutory subject matter.

Applicants are suggested to use "a tangible computer readable storage medium".

Claims 27-44 are rejected also because of the defect of their parent claims.

Claims 1-44 and 85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of claim 1 is not clear. The preamble calls for a method for capturing event data in a telecommunications network. There is no capturing of any thing in a telecommunication network recited in the claim combination. Rather, the claim combination recites generating and storing call record in a created XML file.

Scope of claim 26 is not clear. The preamble calls for a computer readable medium, however, the claim combination recites software modules as components of the computer readable medium. Applicants are suggested to replace the preamble with "A tangible computer readable storage medium having stored thereupon software modules for directing a Session Initiation Protocol (SIP) server computer to function in a specified manner, the software modules comprising".

Further, it is not clear what SIP functionality is. Although "SIP functionality" appears on page 5, line 26, the Examiner is unable to find the definition.

In line 8 of claim 26, there is nothing recited for generating any event. It is not clear what event it is referring to. Claim 85 has similar defect.

Art Unit: 2155

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-44 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung (USP 6,980,526) in view of Ulrich (USP 6,895,438).

Applicants' invention is to record SIP call events in XML format. Jung teaches SIP calls and recording SIP call events. Ulrich teaches recording communication records in XML documents.

With respect to independent claims, Jung teaches:

A method for capturing call event data (see "monitor or record call information" in line 7 of column 11 in Jung) in a telecommunications network (see "IP" network in the abstract), the method comprising:

creating an XML call event file including a server information section, at least one SIP message section, and at least one call event section (Ulrich);

generating at least one call event record (line see lines 4-8, column 11 in Jung) in response to at least one event; and

storing (line see lines 4-8, column 11 in Jung) the at least one call event record in either the at least one SIP message section (see "SIP call" in line 30 column 5 in Jung), or the at least one call event section.

Art Unit: 2155

Jung did not teach whether the call events are recorded in XML document.

Ulrich teaches recording of call events (see "records of incoming calls" in line 18 of column 3 and "record—in this instance, a phone call" in line 13 of column 8 in Ulrich).

Ulrich further teaches that the record can be in XML format (see XML in the last paragraph of column 15). From the teaching of Ulrich, it would have been obvious to a person or ordinary skill in the art to record Jung's SIP call events in XML document to facilitate business transactions and communication as suggested by Ulrich (line 50 column 15).

As to claims 26 and 85, Jung together with Ulrich teach, as explained above, operations performed by the modules.

As to claims 2-25 and 27-44, labels of networks, systems, events and servers are not patentable subject matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

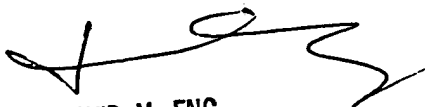
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 85 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Ulrich.

Teaching of Ulrich has already been set detailed above. The details are incorporated herein by reference.

Any inquiry concerning this communication should be directed to DAVID Y. ENG at telephone number 571-272-3984.


DAVID Y. ENG
PRIMARY EXAMINER